

MINUTES OF THE
ARIZONA BOARD OF TECHNICAL REGISTRATION

March 27, 2007

9:30 AM

OPEN SESSION

1. CALL TO ORDER - The meeting of the Board of Technical Registration was called to order at 9:40 a.m. by Chairman Stuart Lane.
2. ROLL CALL - Board Members in Attendance: Stuart Lane, Robert Roos, Richard Pawelko, Ronald Starling, Chet Pearson (not available for Item 7), and Joy Lyndes. Absent: Dawn Garcia, Sheila Bowen and Gary Nelson. Board Staff: Ronald Dalrymple, Lavern Douglas, Kathryn Fuller, Julie Ruff, Lisa Lawhorn, and Manuel Maltos. Assistant Attorney General: Terrie Sanders.
3. CALL TO THE PUBLIC – No members of the public spoke.
4. ADOPTION OF MINUTES – Mr. Pawelko moved to approve the February 27, 2007 minutes. Mr. Pearson seconded. Motion Carried.

5. ENFORCEMENT MATTERS

A. Proposed Dismissal

1. M07-029, Jennifer R. Vitale, P.E. (Civil) #37891 – Mr. Roos moved to dismiss. Mr. Starling seconded. Mr. Folk addressed the Board stating that the Respondent's design failed to meet permitting standards and asked the Board to reconsider the motion for dismissal. Ms. Vitale addressed the Board and stated that her designs meet the standard of practice for her profession, which is not the issue as brought before the Board.

Mr. Roos moved to go into Executive Session at 10:00 a.m. Mr. Pawelko seconded. Executive Session ended at 10:03 a.m.

After discussion, Motion Carried. (Mr. Starling voted Nay)

B. Proposed Letter of Concern

1. M07-014, Willard A. Wetterland III, Architect #32628 – Mr. Pawelko moved to dismiss. Ms. Lyndes seconded. After discussion, Motion Carried.

C. Proposed Consent Agreements

1. M06-235, Applied EnviroSolutions, Inc. - Mr. Pearson moved to accept the Respondent's signed consent agreement encompassing the following Order: Administrative Penalty: Pay an administrative penalty in the amount of \$750.00; Cost of Investigation: Pay cost of investigation in the amount of \$410.00. Mr. Pawelko seconded. Mr. Godusi addressed the Board. After discussion, Motion Carried.

2.a. M06-180, Victor G. Story, R.L.S. #33326

2.b. M06-224, Victor G. Story, R.L.S. #33326

The Board acted on both cases combined. Mr. Lane moved to accept the Respondent's signed consolidated consent agreement encompassing the following Order: Letter of Reprimand; Administrative Penalty: Pay an administrative penalty in the amount of \$500.00; Cost of Investigation: Pay cost of investigation in the amount of \$510.00. Mr. Pearson seconded. After discussion, Motion Carried.

3. Charles E. Martin, P.E. (Civil) #05968 & R.L.S. #16162 Consolidated Consent Agreement - Mr. Lane recused himself. Mr. Pawelko presided over this Agenda Item. Mr. Starling moved to accept the Respondent's signed consent agreement encompassing the following Order: Engineering Examination: Respondent shall take and pass the NCEES Principles and Practice of Engineering (Civil) Examination in 2007. In the event Respondent fails the exam, Respondent's P.E. (Civil) registration, #05968, shall be suspended until such time as he successfully passes the exam. Land Surveying Examinations: Respondent shall take and pass the NCEES Principles and Practice of Surveying Examination in 2007. In the event Respondent fails the exam, Respondent's Land Surveying registration, #16162, shall be suspended until such time as he successfully passes the exam. Arizona Specific Exam for Land Surveyors - Respondent shall take and successfully pass the three (3) hour Arizona State Specific Exam for Land Surveyors in 2007. In the event Respondent fails the exam, Respondent's Land Surveying registration, #16162, shall be suspended until such time as he successfully passes the exam. Suspension: If Respondent is on suspended status for a period of three (3) years, the Board may consider revocation. Cost of Investigation: Pay cost of investigation in the amount of \$2,130.00. Renewal: Subject to conditions set for the renewal and payment of fees, Respondent's registrations are renewed. Ms. Lyndes seconded. After discussion, Motion Carried.
4. HI07-065, Roberto Chavez, Certified Home Inspector #38553 - Ms. Lyndes moved to accept the Respondent's signed consent agreement encompassing the following Order: Probation: Probation for three (3) years, concurrent with court ordered probation set by the Maricopa County Adult Probation Department; Provide the Board monthly probation reports along with copies of random drug and alcohol test results; Continue to reside at the House of Refuge Sunnyslope program for the period of probation. Suspension: Respondent agrees to: a) immediate suspension upon failure of any random drug and alcohol test and waives any due process rights to hearing upon reporting of failure of test; b) voluntary surrender of his certification and waives any due process rights to hearing if he violates any conditions of the Adult Probation or House of Refuge facility rules; c) maintain a current registration if he offers services as a home inspector during the probation period. Cost of Investigation: Pay cost of investigation in the amount of \$81.00. Mr. Pawelko seconded. After discussion, Motion Carried.

6. Review, Consideration & Possible Vote on the following:

EVALUATION OF APPLICATIONS FOR EXAMINATION AND/OR POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION

A. Applicant for Certified Home Inspector

1. Allen J. Zimdars #061076 – Mr. Pawelko moved to grant registration upon payment of applicable fees within thirty (30) days, which if not paid will result in the denial of registration. Mr. Pearson seconded. After discussion, Motion Carried.

7. Review, Consideration & Possible Vote on the following:

EVALUATION COMMITTEE AND STAFF RECOMMENDATIONS AND POSSIBLE GRANTING OF REGISTRATION OR CERTIFICATION (LIST AVAILABLE AT BOARD OFFICE)

1. Granting of professional or in-training registration.
2. Approval to sit for the professional or in-training examination.
3. Recommendation for denial of the professional or in-training examination.
4. Recommendation for denial of professional or in-training designation.

Mr. Lane moved to accept the committee and staff recommendations listed in items 7.1 through 7.4. Mr. Roos seconded. Motion carried.

8. Review, Consideration & Possible Vote on the following:

PRE-APPROVAL OF ARCHITECTS BY HOME OWNER'S ASSOCIATIONS

Mr. Lane moved to go into Executive Session at 11:00 a.m. Executive Session ended at 11:03 a.m.

Mr. Robert Tone, Architect, # 14808, addressed the Board stating that he feels that Home Owner's Associations (HOA's) should not be allowed to determine his qualifications as a registered architect as the Board regulates his licensure. The Board responded that they have no jurisdiction over HOA's, which have statutory authority within the realm of their specific developments. Mr. Daniel Demland, Architect, #36553, addressed the Board and suggested that the Board request legislative action. The Board responded that the best advocate for change on behalf of registered architects is the American Institute of Architects. No Action Taken.

9. Review, Consideration & Possible Vote on the following:

RULE R4-30-304 - SEALING OF LETTERS

RULE R4-30-304 - SEAL EXPIRATION

This item tabled until the April 2007 Board meeting.

10. NATIONAL COUNCIL OF ARCHITECTURAL BOARD'S RESOLUTION REGARDING ARCHITECT REGISTRATION TIMING

This item tabled until the July 2007 Board meeting.

11. DIRECTOR'S REPORT

Rule Package Status Report:

R4-30-101: Design team, and R4-30-304: Electronic sealing are scheduled to become effective on May 31, 2007.

IBM/GITA Phase 2 Database Conversion Project (Common Business Licensing System): IBM had temporarily stopped the project because of some misunderstanding about the extent of the program. GITA has reviewed their issues and a new agreement has been signed with no changes to our needs or their responsibilities, therefore the program is supposed to be back on track.

Meth Lab Program:

Board staff received information on meth arrests from several law enforcement sources and the DEA hazardous material removal contractor. That information added 150 possible sites to our list, bringing the list up to 296 seized sites. Staff is investigating the DEA sites to determine their eligibility for the Board's program. At this time staff has investigated approximately half of these sites and many are not eligible for the Board's program.

Lisa Lawhorn and Manuel Maltos completed a basic clandestine laboratory safety and site safety officer certification program at the invitation of the Maricopa County High Intensity Drug Trafficking Area Task Force during the week of March 12 - 16, 2007.

Budget 2008 - 2009:

Budget hearings have been completed. The Board asked for two additional people for the home inspector program and two additional people for the drug lab program. The JLBC recommendation to the joint legislative appropriation committee was for one additional person for the home inspector program.

Mr. Dalrymple asked for the Board to be removed from the consent agenda in order to make a presentation for the need for the remaining three positions at a public hearing before the appropriation sub-committee. Mr. Dalrymple spoke before the appropriation sub-committee on Washington's Birthday, February 19, 2007, and the committee recommended that all four positions be included in the Board's budget.

The committee recommendation should be incorporated into the state appropriation bill. Normally there are no changes to an appropriation recommendation after it is included in the main appropriation bill.

Personnel Changes:

Ruth Coston, LaVern Douglas' Administrative Assistant, retired March 16, 2007. She is moving back to Michigan to be close to members of her family. She worked for the Board for 18 years.

Hank Diaz has finished his VA program and has been hired full-time with the Board. In addition to his computer skills, Hank has also been an HVAC contractor. He will assist with home inspection investigations under Manuel Maltos' supervision and will also assist Julie Ruff with IT issues.

12. BOARD CHAIR'S REPORT – None.

13. STANDING COMMITTEE REPORTS

1. Legislation and Rules Committee – The Committee met directly after the March 27, 2007 Board meeting.
2. Budget Committee – The Board will have new staff members in July 2007.
3. Home Inspector Rules and Standards Committee – A meeting is scheduled for Wednesday, April 4, 2007.
4. Environmental Remediation Rules and Standards Committee – No report.

14. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

1. National Council of Examiners for Engineering and Surveying (NCEES) – None.
2. National Council of Architectural Registration Boards (NCARB) – None.
3. Council of Landscape Architectural Registration Boards (CLARB) – None.
4. National Association of State Boards of Geology (ASBOG) – None.
5. Geological Engineer Examination – None.

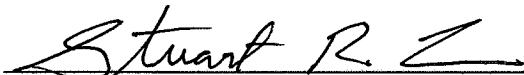
15. FUTURE BOARD MEETINGS – Tuesday, April 24, 2007

16. FUTURE AGENDA ITEMS


- Geological Engineer Exam
- R4-30-304: Sealing Letters and Seal Expiration
- Legislative and Rules Committee Report
- Home Inspector Rules and Standards Committee Report
- NCARB Report
- ASBOG Report
- Cases pending civil litigation
- Field data collection for GIS

17. ADJOURNMENT – Mr. Roos moved to adjourn. The meeting adjourned at 11:55.a.m.

ARIZONA STATE BOARD OF TECHNICAL REGISTRATION



Stuart Lane, Chairman


Ronald W. Dalrymple, Executive Director